

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BANK OF AMERICA, N.A.,

Case No. 2:16-cv-0535-KJD-NJK

Plaintiff,

ORDER

V.

SAGECREEK HOMEOWNERS
ASSOCIATION, *et al.*,

Defendants.

Before the Court is Bank of America's court-ordered Status Report (#63). On July 24, 2019, the Court granted summary judgment in favor of Bank of America on its claims against defendants SFR Investments Pool 1, LLC and against Erik and Lauralee Novy. In that order, the Court quieted title in the bank and found that any interest SFR Investments Pool 1 claimed in 1063 Country Skies Avenue, Las Vegas, Nevada, it took subject to Bank of America's first deed of trust. The order did not dispose of Bank of America's remaining wrongful foreclosure and breach of NRS § 116 claims against defendants Sagecreek Homeowners Association and Absolute Collection Services. And so, the Court directed Bank of America to file a status report as to its claims against those defendants.

Bank of America has filed its status report (#63). In it, the bank informed the Court that it does not intend to pursue its claims against Sagecreek or Absolute Collection Services “so long as the court’s judgment [that] the deed of trust survived the foreclosure sale is not reversed on appeal.” (#63 at 1). To that end, Bank of America requests that the Court dismiss its wrongful foreclosure and breach of NRS § 116 claims as moot so that it may pursue those claims in the event this Court’s order is disturbed on appeal.

Given that Bank of America would only pursue its wrongful foreclosure and breach of

1 NRS § 116 claims if its quiet title claim failed, the Court dismisses them as alternative claims.
2 Because the Court has quieted title in Bank of America, the Court finds that the bank's wrongful
3 foreclosure and breach of NRS § 116 claims against Sagecreek Homeowners Association and
4 Absolute Collection Services are moot.

5 Accordingly, IT IS HEREBY ORDERED that Bank of America's wrongful foreclosure
6 and breach of NRS § 116 claims against Sagecreek Homeowners Association and Absolute
7 Collection Services are **DISMISSED AS MOOT**.

8 Dated this 16th day of August, 2019.



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10 Kent J. Dawson
11 United States District Judge
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